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SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

STATEMENT BY MR. HUSEIN ZIVALJ, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

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CONTENTS (continued)

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

The meeting was called to order at 10.20 a.m.

STATEMENT BY MR. HUSEIN ZIVALJ, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA

1. Mr. ZIVALJ (Bosnia and Herzegovina) said that he was particularly honoured to address the Commission, for he had once served three years in prison after being convicted by the Sarajevo court simply for exercising his right to freedom of expression. In response to that kind of violation of the basic principles of the Universal Declaration of Human Rights, the overwhelming majority of the citizens of Bosnia and Herzegovina had chosen democracy, and two years later, independence.

2. Unfortunately, the population's hopes had soon been crushed by the aggression against Bosnia and Herzegovina, which had annihilated civilized values built up over the centuries by the Bosnian people. The so-called free world had swallowed the propaganda put out by the aggressor and its accomplices and had been content to look on hypocritically as the destruction of towns and culture was compounded by genocide, with the manifest aim of destroying Bosnia and Herzegovina's multi-ethnic and multicultural identity. However, due to the courageous and accurate reports transmitted by the media, the free spirit of modern democracies had prevailed, although the international response had come too late for almost 200,000 innocent victims, mostly civilians, and for hundreds of towns, villages and monuments of a centuries-old culture, which had suffered immeasurable damage. In spite of everything, Bosnia and Herzegovina had succeeded in preserving its status as a sovereign State, thanks to its citizens who had learned how to defend themselves, and to a combination of a number of political factors.

3. Considerable progress had been made in implementing the military part of the Dayton Peace Agreement. The war had come to an end and the legal and political conditions for the necessary military balance between the countries in the region had been established. However, that was merely a prelude to the implementation of the civilian part of the Agreement, whose purpose was to rebuild the country and bring about a gradual reconciliation among the population and, as the next step, the restoration in Bosnia and Herzegovina of a modern civil society based on the rule of law, the observance and protection of human rights, and a market economy. However, in that domain there was much cause for concern. Flagrant human rights violations were still the most serious threat to the peace process that had begun in Bosnia. Although the Constitution provided for various institutions with lofty goals in the protection of human rights, chapters VI and VII of the Peace Agreement, concerning human rights, and particularly the right of refugees to return to their homes, remained dead letter. At the same time, investigations into the war crimes and prosecution of the perpetrators were at a standstill and access to the mass graves was delayed by all kinds of obstacles. The lack of political will to implement one of the decisive aspects of the peace process - the right of the refugees to return home - was responsible for an extremely tense situation which could not fail to degenerate if measures were not taken forthwith.

4. To consolidate the precarious peace achieved at Dayton all the persons indicted for war crimes should be arrested and brought to trial before the

International Criminal Tribunal. Unfortunately, those who had the power to do so were apparently unwilling to take the necessary decisions, and repeatedly warned that arresting criminals would jeopardize the peace process. In addition, some international representatives shamelessly disputed the existence of certain heinous crimes and endeavoured to put the "warring parties" on the same footing, in the hope of dissuading the investigators from continuing their work. In that respect, the financial difficulties affecting both the International Criminal Tribunal at The Hague and the civil institutions in Bosnia and Herzegovina working in close cooperation with the mechanisms established in conformity with the relevant decisions of the Security Council were extremely disturbing.

5. The announcement of the resignation of the expert for the special process on missing persons in the territory of the former Yugoslavia, Mr. Nowak, who, like others before him had advocated truth, justice and humanism, had caused deep disappointment and concern in Bosnia and Herzegovina, where he was greatly appreciated.

6. His Government was convinced that observance and protection of human rights were the keys to stabilizing the peace process, and it attached the utmost importance to the Commission's debates. It hoped that the resolution the Commission would adopt on Bosnia and Herzegovina would be objectively and precisely worded. More than ever before, the democratic forces in Bosnia and Herzegovina needed the help and support of the international community, which should bring pressure to bear on those responsible for blocking comprehensive implementation of the Peace Agreement, since a partial or piecemeal solution would merely undermine the results achieved and destabilize the region. The intellectuals and politicians advocating the partition of Bosnia and Herzegovina were the ones who had allowed it to be destroyed. Such a solution, which was contrary to the spirit of integration prevailing in Europe and throughout the world, would serve the interests of none of the people of Bosnia and Herzegovina nor of any of the neighbouring countries.

7. Hopefully, the resolution that the Commission was to adopt under agenda item 10 (b) would take a number of elements into account. First of all, the implementation of the civilian part of the Peace Agreement should be revitalized. To do so, there was an urgent need to arrest and bring to trial all the indicted war criminals and to continue investigations into those still at large. To that end, the International Criminal Tribunal for the Former Yugoslavia should be given all the necessary political and financial support to discharge its mandate. Sufficient funds should be released to speed up the search for disappeared persons, which required free and unconditional access to mass graves by competent individuals and agencies and the identification of the victims of the genocide. All the requisite conditions should be established for the voluntary, safe and orderly return of refugees and displaced persons; in that connection, the postponement of the third donor conference was likely to entail a further deterioration in the situation in Bosnia and Herzegovina. Freedom of movement for people, goods, capital, services and information should be guaranteed throughout the territory by all possible means. The international community should support all the democratic forces in Bosnia and Herzegovina in order to ensure smooth and effective implementation of the Peace Agreement. Lastly, the activities of the various competent organizations - OSCE, the International Police Task Force (IPTF),

the Office of the High Representative and the Stabilization Force should be coordinated to make sure that the local elections later in the year were free and fair.

8. Bosnia and Herzegovina was convinced that it possessed the political, human and historical resources required to overcome the obstacles created by the conflict, to restore its integrity peacefully and democratically and to lay the foundations for full participation in Europe's economic, political and defence institutions.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

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(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1997/3, 35-42, 43 and Add.1, 44-46, 47 and Add.1-4, 119 and 131; E/CN.4/1997/NGO/10, 24, 28, 40 and 41; A/51/483 and Add.1, and 506 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1997/84-86, 88 and Corr.1, 89, 90 and 130; E/CN.4/1997/NGO/33 and 63; A/51/453 and Add.1)

9. Mr. DENG (Representative of the Secretary-General on Internally Displaced Persons), introducing his report (E/CN.4/1997/43 and Add.1), said that the international community had recognized the problem of internally displaced persons and taken some steps to address their humanitarian and human rights needs. Governments generally acknowledged that they were primarily responsibile for protecting and assisting the populations concerned under their jurisdiction, and when they were unable to do so, were becoming less reluctant to seek assistance from the international community. Many intergovernmental and non-governmental organizations had broadened their mandates to include internally displaced persons. Such was the case for example, albeit selectively and conditionally, with the Office of the United Nations High Commissioner for Refugees. The issue at hand was no longer whether the international community should become involved in protecting and assisting internally displaced persons, but whether they should be treated as a distinct category.

10. Nevertheless, it was fair to say that the international community was not really prepared, either normatively or institutionally, to respond effectively. Governments were more inclined to seek assistance from the

international community than to accept human rights monitoring, and more willing to recognize the humanitarian consequences of displacement than to find solutions to the underlying causes. Nor was there the political will to create a new institution or designate an existing one to assume responsibility for internally displaced persons. The only option that now seemed to have gained wide acceptance was to enhance the effectiveness of existing international mechanisms in order to provide assistance and protection to internally displaced persons and to other persons in similar circumstances. However, that option ran up against practical problems of coordination, remained selective, and thus inadequate.

11. The development of an appropriate normative framework to meet the needs of internally displaced persons, which was one of his three main areas of activity, had progressed appreciably. In collaboration with experts, who had helped to prepare the compilation and analysis of existing legal norms, he was currently finalizing a body of guiding principles for the protection of internally displaced persons. The purpose of preparing the body of guiding principles was to restate principles that were scattered among a wide variety of international instruments, to fill in legal gaps and to clarify the grey areas of existing law. Work had reached a point at which it was necessary for the Commission to reassert its support for the development of such a normative framework.

12. The results of the work done in collaboration with experts on institutional arrangements had also proved productive, although less conclusive on account of the obstacles encountered within the international system. The need for a central mechanism within the international system rapidly to assign institutional responsibility in emergency situations involving internally displaced persons had periodically been highlighted, as had the need, in each complex emergency, to confer overall responsibility for internally displaced persons on a single agency. In his report, he emphasized the need to strengthen the capacity of the United Nations human rights machinery so that it could better address the protection problems facing the internally displaced and assume greater responsibility for dealing with those concerns. While not wishing to be dogmatic, he believed that there was an urgent need for creativity and decisiveness in that area.

13. Country missions were the third element of his mandate. It was during such visits that he was able to move from the theoretical to the practical local level and to discuss the situation with government leaders and the populations affected. However, the visits also made it possible to ascertain the gap between the hopes to which they gave rise and what the international community was able to deliver. He was gratified by the numerous invitations he had received from Governments and by the way in which host countries had responded to his message. As he had repeatedly reported, his approach was to respect State sovereignty but at the same time to highlight the responsibilities of sovereignty towards all persons under a State's jurisdiction. If States were incapable of discharging those responsibilities, they should request, or at least accept, international cooperation in providing assistance and protection for displaced persons. Some Governments were less receptive, and even resistant to country missions, and it could be assumed that they were Governments which failed to provide their populations with all the required protection and assistance.

14. With the approach of the end of the second extension of his mandate, he intended to have a hard look at what still needed to be done and identify the obstacles and the prospects for realistic solutions to the global crisis of internally displaced persons.

15. Mr. JACOBS (South Africa), speaking on agenda item 18, said that his Government had decided that it was in favour of accepting outside assistance in the field of human rights. A number of projects, sponsored by various States and international organizations were currently under way in South Africa. However, for symbolic as much as for practical reasons, the South African authorities had been particularly eager to obtain assistance from the Centre for Human Rights, which had rapidly responded to their request. In 1996, a balanced team of experts from various regions had been sent to South Africa. The needs assessment mission had been impressed by the work already accomplished by government departments and by numerous NGOs. Nevertheless, it was never possible to do enough as far as human rights were concerned, and the team had identified a number of areas in which the Centre's skill, experience and expertise could be useful. The South African authorities had accepted the proposals made, with only minor technical alterations. His delegation was therefore pleased to announce that an official technical cooperation agreement was to be signed shortly between the Government of South Africa and the Centre for Human Rights.

16. As the United Nations had limited resources, the South African authorities had decided to pay US$ 100,000 into the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. In conjunction with the support provided in kind in South Africa (offices, training facilities, transport, etc.), it would make a substantial contribution to offsetting the total costs of the project in South Africa. Whatever its image might have been in the past, South Africa was not a rich country and had no ambition to become a major donor State. It simply wished to help as best it could, and had recently made contributions to a number of international humanitarian and human rights organs and agencies. Those contributions testified to the South African people's gratitude to the international community, which had assisted it during its struggle for liberation.

17. Mrs. RUBIN (United States of America), speaking on agenda item 9, said that the Vienna Conference had marked a victory for women's rights, as it had been the starting point for the integration of women's rights into all aspects of United Nations activity.

18. The first major sign that the United Nations was serious about combating violations of women's rights had been the call by the Commission to appoint a Special Rapporteur on violence against women, its causes and consequences. Violence against women knew no country or region, but for too long it had been invisible. Too many Governments explained violence against women in terms of culture, history and tradition. But violence was not culture, it was a crime which must be punished and brought to an end.

19. During the Fourth World Conference on Women, the emphasis had been placed on empowerment, meaning that healthy, educated women made good choices, not only for themselves but also for their families and neighbours. Experience with micro-enterprises lending, for example, bore that out.

20. The single most important investment any society could make was in the education of its children. The figures showed that today more than 600 million women and girls were denied access to a decent education. When women did have access to economic, social and political power, the nations they lived in were more likely to prosper, as a society which valued all its citizens benefited from the skills of all of them.

21. On the basis of the Beijing Platform for Action, the United States had designed a plan to integrate women's rights into its domestic policy. The plan's aims were to provide economic opportunities and security to women, to improve their access to education and health care, to adopt measures to eliminate violence against women and ensure personal safety, to promote full participation by women in political and economic life, to secure family-friendly policies so as to help parents balance their family and work responsibilities, and to ensure equality and non-discrimination under the law. In addition, the Department of State's annual country reports paid greater attention to the situation of women and girls in every country and to violations of women's rights.

22. Her delegation wished to pay tribute to the southern African States for their efforts at the recent session of the Commission on the Status of Women to achieve one of the strategic objectives of the Beijing Platform for Action - the right of women to inherit. In addition, the United States was determined to combat trafficking in women and girls, and unreservedly supported all the efforts being made by the Commission on Human Rights to help protect women from that odious abuse. Similarly, the United States had been at the forefront of those urging the international criminal tribunals for the former Yugoslavia and Rwanda to prosecute persons guilty of rape and other forms of sexual violence as war crimes and crimes against humanity. It was to be hoped that the States participating in the drafting of the Statute for a permanent international criminal court would take into account the progress made by the ad hoc tribunals.

23. The United States had recently organized a round table discussion on women's rights. At the discussion, emphasis had been placed on the need to renew the mandate of the Special Rapporteur on violence against women and to work to eradicate such violence; the need systematically to integrate women's rights issues into the activities of the Centre for Human Rights; the need to encourage the Centre, as part of its advisory services programme, to train judges, law-enforcement and medical personnel to identify gender-related human rights violations; the need to support the international criminal tribunals when they decided to prosecute rapists; to advocate the adoption of national legislation to halt trafficking in girls and women; to work in conjunction with local organizations to end female genital mutilation in all its forms; to promote the full participation of women in the political and economic life of their countries; and to support the implementation of the Platform for Action adopted at the Fourth World Conference on Women.

24. Lastly, the United States had long encouraged the United Nations to live up to the principle of non-discrimination by encouraging the election or appointment of women to treaty bodies or as special rapporteurs, members of special missions or regular employees of the Secretariat.

25. Mr. PLORUTTI (Argentina), speaking on agenda item 9 (b), said that, in 1978, the General Assembly had adopted the Guidelines for the structure and functioning of national institutions for the promotion and protection of human rights, and then, in the wake of the Vienna Conference, the Principles relating to the status of those institutions. Since the restoration of democracy in Argentina, in 1983, the two successive constitutional Governments had taken a series of measures to institute human rights and adapt administrative structures to that policy.

26. Two departments had been set up within the executive. The Under-Secretariat for Human and Social Rights, under the wing of the Ministry of the Interior, performed diverse and ambitious functions: receiving complaints from individuals concerning disputes that amounted to human rights violations, providing complainants with advisory services and channelling complaints to the competent national agency; examination of draft legislation; administrative relations with other public and private national agencies and foreign human rights agencies and the establishment of a federal human rights council; programme of compensation for acts that occurred during the 1976-1983 period; National Commission for the Right to an Identity, which was responsible for tracing children who had disappeared, been imprisoned or who were without an identity, children born while their mothers were unlawfully detained, and other children separated from their biological parents; keeping and updating the files on disappeared persons and the implementation of a variety of programmes to assist vulnerable groups. For its part, the main purpose of the Under-Secretariat for Human Rights, in the Ministry of Foreign Affairs, International Trade and Worship, was to shape and propose foreign policy plans, programmes, projects and objectives in regard to human rights and the status of women and to pursue that policy in the international agencies. That initial structure had recently been improved to provide a better guarantee of full respect for human rights.

27. A Procurator for Prisons had been appointed, with responsibility for protecting the rights of detainees as set forth in national legislation and in the international instruments to which Argentina was a party. In performing his duties, the Procurator did not receive orders from any authority and decided independently which cases to follow-up.

28. As to the legislative structure, the two Chambers of Congress had each established a human rights and guarantees commission, the Senate in 1983 and the Chamber of Deputies in 1992. The commissions' members were drawn from all the political parties represented in Parliament. In addition, Act No. 24,384 had established the Office of the People's Defender, or Ombudsman, a wholly independent office responsible for protecting the rights and interests of individuals and communities against acts or omissions by the public authorities. The 1994 constitutional reform had introduced a new article concerning the People's Defender.

29. An independent judiciary with competent judges was the best guarantee of a judicial system suited to the protection of human rights. The task of members of Parliament was to create the conditions in which the representatives of the judiciary could work independently and impartially, in conformity with international standards.

30. Mr. TIBARUHA (Uganda) said that it was a worrying fact that for a majority of women the enjoyment of fundamental rights remained a distant dream. The reports of the Special Rapporteur on violence against women were particularly disturbing: following the report on violence within the family (E/CN.4/1996/53) - a place where democratic principles should prevail - the report on violence within the community (E/CN.4/1997/47 and Add.1-3) showed how violence persisted: rape or sexual abuse, harassment, trafficking, forcible prostitution and violence against female migrant workers, and so on. The international community had certainly adopted instruments such as the United Nations Declaration on the Elimination of Violence Against Women, as well as a multitude of resolutions, but the measures taken at the national level were still inadequate. His delegation urged Member States to cooperate with the Special Rapporteur, in her admirable endeavours, to take concerted action in the spirit of her recommendations, and in particular to adopt legislation against persons responsible for violence against women.

31. For its part, Uganda had taken a number of steps in that regard. Harsher penalties had been introduced for rape and other forms of sexual violence against women. The new Constitution, adopted in 1995, prohibited customs and traditions that were inconsistent with human rights principles and the dignity of women. The Government had defined a gender-neutral policy and the Ministry of Gender and Community Development was working to place women in the mainstream of national and local policies and programmes. Law-enforcement officials were provided with training to develop awareness of gender issues. Finally, various women's groups and other Ugandan NGOs were actively supporting the Government's efforts in their programmes.

32. Mr. ZAHRAN (Egypt) said that Egypt was striving to promote all human rights, whether political, civil, economic, social or cultural, without distinction, as it was convinced they were interdependent and indivisible. The protection and promotion of human rights in Egypt was based on four major approaches: the development of legislation, the strengthening of democracy, social development, and public education and awareness. As part of the process, the legislative and judicial authorities were doing their utmost to ensure that national legislation was in conformity with Egypt's international commitments. In particular, they ensured that each citizen was able to exercise his fundamental freedoms, and in particular freedom of expression, subject only to the requirement that they respect the rules of democratic dialogue and reject extremism and terrorism, which were a serious threat to the exercise of freedoms.

33. Terrorism was the greatest challenge facing the international community, which had to marshall all its forces to eliminate a phenomenon which had no respect for frontiers. States should unanimously commit themselves to implementing the provisions of the international treaties on terrorism, step up cooperation for the exchange of information, closely monitor transboundary movements of terrorists and make sure that their crimes never went unpunished. It was necessary to stand firm against every kind of terrorist act, regardless of the terrorists' nationality or field of operations, be it national or international. States should also unanimously undertake neither to accept, train nor finance terrorists nor use them for operations against other States. Furthermore, before granting asylum, States should ascertain that

asylum-seekers had not participated in terrorist activities, were not wanted elsewhere and had not been convicted of terrorism by the authorities of another country.

34. The problem of internally displaced persons had reached disturbing proportions in recent years as a result of the worsening of civil conflicts. The phenomenon was most acute in Africa. His delegation paid tribute to the competent United Nations agencies, and in particular to UNHCR, for their efforts to assist internally displaced persons. As Mrs. Ogata, the High Commissioner, had said, the right of asylum should be preserved at any price, as it was often the only means of protecting the right to life and was the legal foundation for the recognition of the rights of refugees. Countries of origin and host countries must be careful to assume their responsibilities, while refugees must comply with the laws of the country that took them in.

35. In Egypt, efforts to promote fundamental rights gave pride of place to strengthening the rights of women. For many years women had already enjoyed the same opportunities as men in education and employment, as well as in other areas of public life. Egypt wished to reaffirm its support for the United Nations mechanisms for promoting the rights of women, and in particular the Committee on the Elimination of Discrimination against Women, which had sent a delegation to visit Egypt in November 1996. During the visit, the Egyptian authorities had decided to strengthen their cooperation with the Committee and agreed to examine the possibility of withdrawing their reservation to the Convention on the Elimination of All Forms of Discrimination against Women.

36. His country paid tribute to the valuable contribution made by the Advisory Services Branch of the Centre for Human Rights to strengthening respect for human rights in developing countries. He thanked the Centre for having helped to train young Egyptian diplomats and members of the Egyptian police force and expressed the hope that it would be possible for members of the judiciary, and in particular judges, to benefit from that cooperation.

37. As to the restructuring of the Centre, his delegation wondered whether the reform project implemented by the High Commissioner for Human Rights was in full conformity with General Assembly resolution 50/214, which provided for the establishment of a new branch whose responsibilities would include the promotion and protection of the right to development. Furthermore, one of the priorities of the Vienna Declaration and Programme of Action had been to separate advisory services from special procedures and follow-up activities. However, the Centre's reform project had failed to take that into account, a shortcoming that should be made good without delay.

38. In view of the growing tendency in a number of States to implement human rights subjectively, depending on particular interests, his Government cautioned the international community against the threat posed to human rights by the adoption of a double standard.

39. Mr. LEHMANN (Denmark) said it was gratifying to note that an increasing number of States had set up national institutions to promote and protect human rights, in conformity with the recommendations made by the World Conference on Human Rights. The Conference had also urged national institutions to exchange

information and to cooperate with regional organizations and with the United Nations. It was in that spirit that the Second European Meeting of National Institutions for the promotion and protection of human rights had been held in Copenhagen in January 1997.

40. While it was understandable, in view of the different circumstances in each country, that national institutions should take different forms, they should on the one hand possess a mandate clearly set forth in a constitutional or legislative text, specifying their composition and their sphere of competence, and on the other, they should be guaranteed genuine independence, particularly by making sure that all sectors of society were represented on them, in keeping with the principles set out in the annex to General Assembly resolution 48/134. At the Copenhagen meeting it had been proposed, as a means of ensuring they were independent, that national institutions should report to Parliament, take their own initiatives, possess free access to the media and have sufficient and steady funding. They should also be accountable for the discharge of their mandate. Some of those recommendations could be included in the resolution to be adopted by the Commission.

41. Participants had also thoroughly discussed the core functions of national institutions: guidance for the competent authorities, study of human rights violations, dissemination of information on human rights, and human rights education. They had emphasized that the impartiality of national institutions was a prerequisite for establishing confidence and for a genuine dialogue with society at large. In addition, the Copenhagen meeting had noted that, in resolution 1996/50, the Commission on Human Rights had considered that it would be appropriate for national institutions to participate in an appropriate manner in their own right in the Commission's meetings.

42. Lastly, the European national institutions had established a coordination group, chaired by the Danish Centre for Human Rights, which would cooperate closely with the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the High Commissioner for Human Rights.

43. Mr. WANG Guangya (China), referring to the reform of the Commission's methods of work, said it was a matter of priority for the Commission to eliminate cold war thinking, to get rid of the prevailing trend of politicization and double standards, and to establish a correct guiding principle.

44. It was justifiable for every country to have its own focus on the promotion and protection of human rights and to adopt measures in the light of national conditions. It was also understandable, and unavoidable, that there should be differences of opinion on human rights issues. To overcome them, it was necessary to engage in a dialogue based on mutual respect and equality, rather than turn the Commission into a court and adopt resolutions condemning countries that were not to the liking of some. Such confrontation in no way furthered the cause of human rights.

45. Democracy was not just a matter for individual nations. It should also prevail in international relations. All States, large and small, rich and poor, were entitled to choose their own social system and path to development. However, some Powers, with total disregard for the rights of the other members

of the international community, had no hesitation in deliberately attacking developing countries and imposing sanctions on them. In contrast, they overlooked their own human rights record.

46. Sovereign equality was one of the fundamental principles set forth in the Charter of the United Nations. However, during the past 5 years, 72 developing countries had been the subject of hostile resolutions sponsored by the developed countries. In 1996, in a statement on the human rights situation throughout the world, the representative of a group of developed countries had arraigned 60 developing countries in one breath. In the face of such arrogance, one could not but ask whether representing a rich and powerful country authorized some to set themselves up as judges and to give lessons to others. His delegation sincerely hoped that such arrogant behaviour would be replaced by a more respectful attitude towards the sovereign equality of nations.

47. Furthermore, the tendency to give civil and political rights priority over economic, social and cultural rights, which was reflected by the items on the Commission's agenda, the time allocated to considering them, the number of resolutions on them and the mandates of the various rapporteurs, should be ended. That trend was also apparent in the allocation of resources and the very structure of the Centre for Human Rights.

48. The Commission's working groups and rapporteurs should conform to established standards in their activities. They should not set themselves up as judges, and their research activities, field visits and investigations should be conducted so as not to encroach on the sovereignty, dignity and interests of host countries.

49. Reform of the Commission should include readjustment of the membership to ensure equitable geographical distribution. Similarly, the restructuring of the Centre for Human Rights should be transparent and fair. For many years, the group of developed countries had been unduly overrepresented on the Commission. That state of affairs, a serious violation of the principle of equitable geographical distribution set forth in the Charter, should be remedied without delay. His delegation also hoped that the Centre for Human Rights, whose activities were indispensable if the Commission was to operate properly, would not deviate from its main function of providing conference services, and conducting research work, that it would give due importance to the right to development, that it would correct the imbalance in the geographical distribution of its staff members and take effective measures to redress the severe lack of representation of Asian countries.

50. At the present session, the Commission had decided that the question of violence against women would continue to be considered as a priority item. Accordingly, his delegation again drew attention to the issue of the comfort women during the Second World War. It was a scandal that some Japanese rightists still denied the crimes committed. It was to be hoped that the Government of Japan would draw lessons from the past and take concrete action, in accordance with the proposals made by the relevant Special Rapporteur, to provide a just solution to that problem at an early date.

51. Mr. KHAN (Pakistan), referring to the excellent report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1997/43 and Add.1), said that the question of the deployment of monitors needed further consideration and that in any case they should be deployed to those regions in which they were most needed. The Representative rightly emphasized the need to strengthen coordination between human rights programmes and economic development programmes in order to address the problem of displaced persons comprehensively, from the emergency phase to that of return and reintegration. The efforts made by UNHCR to facilitate reintegration deserved special mention. The Representative's catalytic role should also be strengthened.

52. Regarding the report of the High Commissioner for Human Rights on mass exoduses (E/CN.4/1997/42), his delegation was surprised that repression, foreign occupation and denial of the right to self-determination were not mentioned among the causes. Moreover, the High Commissioner did not touch upon the root cause of population displacement in Afghanistan, i.e. the conflict raging there. Efforts should be made to promote reconciliation. While regional organizations should play a role in respect of population movements, the international community should not abdicate its responsibilities. As was emphasized by the High Commissioner, inter-agency early warning efforts should be intensified and priority given to prevention.

53. His delegation endorsed the conclusions of the Fifth Workshop on Regional Arrangements for the promotion and protection of human rights in the Asian and Pacific region, which had stressed a step-by-step "building-block" approach, the first phase of which was to create truly independent and impartial national human rights institutions or to strengthen existing ones. Such institutions should not serve to distract attention so as to conceal gross and consistent violations of human rights. The Amman Workshop had also reaffirmed that all human rights, including the right to self-determination and the right to return, were universal, interdependent and indivisible, and that the right to development was universal, inalienable and an integral part of fundamental rights. The special procedures should be examined to ensure equitable, non-discriminatory and non-selective treatment of human rights. In that respect, the role played by the NGOs in strengthening the North-South dialogue should be enhanced.

54. His delegation believed that the mandate of the Special Rapporteur on violence against women was in no way restrictive and that it covered all acts of violence against women, whether by individuals or the State, or during armed conflicts. In particular, the international community should combat systematic rape, as practised in the former Yugoslavia and in Indian-held Kashmir. The Commission should devote a separate agenda item to women's rights.

55. Activities connected with the Plan of Action for the United Nations Decade for Human Rights Education should be more carefully defined. It would be advisable better to inform the public, especially the most vulnerable groups, law-enforcement officials and officials responsible for the administration of justice, rather than multiply seminars and workshops for specialists.

56. As to the issue of terrorist violence, for more than a decade Pakistan had been the victim of terrorist groups, most of them organized and sponsored by external forces exploiting religious differences and trying to set minorities against other segments of the population. While all forms of terrorism should be condemned, persons subjected to foreign occupation and struggling to assert their right to self-determination should not be labelled as terrorists. Thus, the people of Indian-held Kashmir were merely demanding respect for the right to self-determination, in conformity with the resolutions of the United Nations Security Council.

57. Mr. RAVALOSON (Madagascar), referring to the human rights advisory services, said that in order to defend human rights it was better to carry out preventive measures in the field than to deplore and condemn violations once they had occurred. For that reason, it was essential to implement human rights technical cooperation programmes to strengthen democratic institutions and to provide human rights training for parliamentarians, judges, the police, the army and prison personnel.

58. However, it was apparent from the report of the Secretary-General on technical cooperation in the field of human rights (E/CN.4/1997/86) that, for lack of human and financial resources, advisory services were far from able to satisfy all the requests sent to them. For that reason, Madagascar, which was currently preparing a programme of cooperation with the Centre for Human Rights, supported the proposal by the Chairperson of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights regarding the establishment of a mechanism to swap part of the external debt against actions on behalf of human rights. In the same connection, the links developed by the former High Commissioner for Human Rights with the World Bank should be further developed.

59. It was in that spirit that, in March, the Government of Madagascar had reached an agreement with the Paris Club on rescheduling debt payments in exchange for the implementation of environmental protection, assistance and investment projects. It was to be hoped that the members of the Paris Club, which were as a rule extremely vigilant about human rights, would agree to write off part of the debts they held in exchange for the implementation of programmes to uphold human rights.

60. Mr. MAXIM (Observer for Romania) said that, in conformity with the Declaration and Programme of Action adopted by the World Conference on Human Rights, States were required on the one hand to establish national institutions for the promotion and protection of human rights, in order fully to discharge their obligations under the international instruments they had ratified, and on the other, to foster greater awareness of fundamental rights and freedoms.

61. For that reason, since Romania had committed itself to democracy, the Government had established, with the assistance of the competent agencies of the United Nations, the Council of Europe and the European Union, a broad range of institutions for the protection of human rights. A number of agencies had thus been set up: the National Committee for the Protection of the Rights of the Child (in cooperation with UNICEF and the European Union's

PHARE Programme), the Council for National Minorities, the Romanian Institute for Human Rights and the Romanian Committee for Migrations, to name but a few.

62. Moreover, the President of Romania had recently launched a national programme for the protection of children. A Department for the Protection of Minorities, headed by a distinguished representative of the Hungarian minority, and a National Office for the social integration of the Roma, had, also been set up.

63. In addition, parliament had enacted a law establishing an Ombudsman, who was authorized to receive complaints about human rights violations and to cooperate with the competent authorities in resolving them. In addition, national institutions for the protection of human rights cooperated with human rights NGOs through a national forum, established with the support of the PHARE Programme.

64. Romania firmly supported the initiatives taken by all the competent United Nations agencies to strengthen national institutions for the promotion and protection of human rights and hoped that they would be able to participate in the work of the Commission and of its subsidiary bodies.

65. Mrs. KERR (Observer for Australia) said that independent and properly resourced national institutions for the promotion and protection of human rights effectively served the cause of human rights. For that reason, Australia was gratified that the First Asia-Pacific Regional Workshop of National Human Rights Institutions, held at Darwin in July 1996, had decided to set up an Asia-Pacific Regional Forum of National Human Rights Institutions to promote cooperation among existing bodies and to encourage and assist the development of new ones. It was also gratifying that India's National Human Rights Commission had offered to host the Forum's next meeting in 1997.

66. Australia was pleased to note that assistance to national institutions had become a core component of the technical cooperation programme of the High Commissioner for Human Rights and of the Centre for Human Rights. It hoped that they would receive the necessary funds to continue their task.

67. It would be desirable for national institutions, to which, since its previous session, the Commission had allocated speaking time independent of the time allocated to their Governments, to be able to speak in their own right and as distinct bodies during the debates of the Commission and of its subsidiary bodies.

68. With reference to advisory services, she would focus her comments on Cambodia. She paid tribute to the Special Representative of the Secretary-General, Mr. Hammarberg, to the office of the Centre for Human Rights in Phnom Penh and to local NGOs for their action to improve the human rights situation there. Australia supported the efforts made to establish a genuine democracy in Cambodia. In that connection, her Government had been shocked by the recent attack on a lawful and peaceful demonstration at the National Assembly. In view of the forthcoming national elections in 1998, it was essential to guarantee freedom of expression for the opposition political

parties. Accordingly, Australia appealed to the Government of Cambodia to take immediate steps to bring the culprits to justice and ensure that such acts of political intimidation did not recur.

69. The international community should back the efforts being made by Cambodia to overcome the many obstacles it faced. For its part, Australia would provide $A 500,000 to support preparations for the forthcoming municipal and national elections. Her Government called on the Cambodian Government to enact, as soon as possible, the legislative framework for free and fair elections. It was also essential to establish unequivocally that all individuals and institutions were subject to the rule of law.

70. Mr. ORFI (Observer for the Syrian Arab Republic) pointed out that one of the most dangerous forms of terrorism was State terrorism, from which Syria, like other Arab States in the Middle East, had suffered for dozens of years, and which had reached its peak in 1967 when Israel had occupied part of Syrian territory. Occupation was the most brutal form of terrorism, as it deprived a people of its freedom.

71. Among the countless terrorist acts committed by Israel, he cited the massacre committed in the Lebanese village of Qana, in which more than 100 civilians, including women, children and old people, had been killed, and the terrorist attack carried out by Israeli agents in Damascus, in which a bomb in a civilian bus had wounded, mutilated or killed dozens of innocent civilians. He also vigorously condemned the "nuclear terrorism" practised by Israel, which was the only State in the Middle East to possess nuclear weapons, which refused to accede to the non-proliferation treaty and continued to threaten the entire region.

72. The Damascus attack had been prompted by a readiness to undermine Syria's firm position towards the peace process, a position that was based on the resolutions adopted by the international community and on the principle of "land for peace" agreed upon at the Madrid Conference. Syria rejected the diktat of Israel, which persisted in saying no to international legitimacy, no to full withdrawal from all the territories occupied in 1967, no to resumption of negotiations at the point they had reached and no to respect for the commitments made by the previous Government.

73. The overwhelming majority of States recognized that resistance to occupation was a legitimate act under the Charter of the United Nations and international law, yet some still mixed up terrorist acts with lawful resistance to foreign occupation. For his Government, to resist occupation was to resist the most despicable form of terrorism.

74. Mr. GUILLEN (Observer for Peru), speaking on agenda item 9 (d), said that between 1980 and 1992, approximately 600,000 people, most of them peasants, had been compelled to leave their region of origin because of the violence practised by terrorists, who had partly or totally destroyed the service and production infrastructures, thereby depriving the population of basic services and their livelihood.

75. In 1993, in order to encourage those people to leave the city suburbs where they had taken refuge and to return to their region of origin, the Government had introduced a resettlement support programme, for implementation by the Ministry for the Advancement of Women and Human Development, in cooperation with a coordination committee made up of representatives of the

various ministries concerned. Many steps had already been taken on behalf of displaced persons, particularly in agriculture, fisheries, education, training and health. The 600,000 displaced persons, who were currently without papers, were being registered on temporary registers.

76. However, much remained to be done and the Government of Peru wished to pay tribute to all those Governments and agencies assisting it in a huge task. It thanked the Representative of the Secretary-General for his valuable observations and hoped that he would receive greater resources to carry out his mandate and be able to resolve the problem of internally displaced persons, which now affected approximately 40 countries.

77. Mr. CHEPSIROR (Observer for Kenya) pointed out that for a number of years national institutions for the promotion and protection of human rights, whose importance and constructive role had been reasserted in the Vienna Declaration and Programme of Action, had been the subject of growing worldwide interest. Both the General Assembly and the Commission had requested the High Commissioner/Centre for Human Rights to assist countries to set up national institutions or to strengthen existing ones. It was therefore gratifying that it had been decided to make assistance to national institutions a core component of the technical cooperation programme in the field of human rights.

78. His Government supported efforts to find an appropriate form for national institutions to participate in the meetings of the Commission and its subsidiary bodies, and believed that whatever form of participation was agreed upon, it should be one that would enhance the Commission's effectiveness.

79. On 22 May 1996, a 10-member Standing Committee on Human Rights had been set up in Kenya by the President of the Republic. Its mandate was to investigate complaints of alleged violations of the fundamental rights and freedoms set out in the Constitution, in particular alleged injustices and abuses of authority committed by State officials in the performance of their duties, and to foster public awareness of human rights. The Committee could set up task forces and convene special panels to study all matters within its terms of reference. It was authorized to address any situations which might contribute to an injustice, an abuse of power or any other violation of human rights and fundamental freedoms. At the conclusion of each investigation, the Committee was required to set out clearly its findings and to make such recommendations as were necessary to remedy any violation it found. It had already received several complaints, which it had diligently investigated. Its first report had been submitted in December 1996 and it would shortly be submitting its second.

80. The Standing Committee, which was currently setting up a human rights documentation centre in Nairobi, had organized numerous symposia in Nairobi and Mombasa. It had also drawn up a programme to be implemented in the different parts of Kenya, with the primary objective of educating the public about the human rights set out, inter alia, in the African Charter on Human

and Peoples' Rights and the international human rights instruments ratified by Kenya. The Committee enjoyed broad public support and cooperated closely with NGOs involved in the protection of human rights.

81. His delegation requested the Centre for Human Rights to give priority in its technical assistance programme to organizing training, on request, for officials in charge of national institutions to familiarize them with international human rights instruments and standards. In that connection, his delegation appealed to States for increased contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

82. Mr. SUAREZ FIGUEROA (Observer for Venezuela) said that, since the establishment of democracy in 1958, Venezuela's society and Government had gradually come to realize that democracy and respect for human rights were indissociable and mutually enhancing. That could be seen in the recent meeting of non-governmental human rights organizations and the establishment by the Government of a National Human Rights Commission in December 1996. The Commission was responsible inter alia, for promoting cooperation among the various organs of the executive, NGOs and citizens in all areas connected with the observance of human rights, for helping to prepare the reports Venezuela was required to submit to the treaty bodies and for recommending to the executive such measures as it considered necessary to further the protection of human rights.

83. His Government had contacted the Centre for Human Rights to consider the potential for cooperation between the Centre's advisory services and the National Human Rights Commission, in particular in preparing the national human rights plan. It hoped that the meeting of the National Human Rights Commissions of the Latin American countries would take place in 1997, as planned.

84. Mr. GWAM (Nigeria) thanked the Secretary-General for his detailed report (E/CN.4/1997/86) concerning the progress made in the implementation of the programme of technical cooperation and in the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights. He took note of the increasing number of requests made for advisory services and technical cooperation since the establishment of the Fund, which evidenced the growing commitment of States to promoting and protecting human rights and fundamental freedoms. Contributions to the Fund had increased and he thanked all the donors and called on Governments, intergovernmental and regional organizations and NGOs with the necessary resources to contribute generously and unconditionally to the Fund.

85. Nevertheless, his delegation would have liked to find in the report an inventory and analysis of the technical cooperation activities available, together with information on the various sources of funding, which would have made for transparency. In that connection, he urged the Secretary-General, in cooperation with the Fund's Board of Trustees, to adopt strict and transparent project management rules and guidelines, to evaluate programmes and projects periodically and to disseminate the results, especially the financial reports. For that purpose periodic information meetings should be held, for example twice a year at Geneva and in New York, open to all States and to all the intergovernmental and non-governmental organizations directly involved in the advisory services and technical cooperation programme.

86. Needs assessment missions, rather than being entrusted to junior professional officers and interns, should be undertaken by senior officers in the Centre for Human Rights, who were well informed and equipped to take immediate decisions. His delegation was also concerned that advisory services and monitoring were currently merged in a single unit of the restructured Centre. He recalled the assurances given by the High Commissioner that advisory services would be detached from the Activities and Programmes Branch, which was responsible for monitoring and investigations, and asked exactly when that measure would be implemented and whether a new advisory services branch would be established within the Centre - which his delegation would prefer - or whether those responsibilities would be transferred to one of the other two units. The Centre should also provide States with a list of staff handling advisory services and technical assistance programmes, with an indication of the rank and position of the officers that would undertake needs assessment missions.

87. Mr. NWOKEDI (Observer for the Human Rights Commission of Nigeria) said that the National Human Rights Commission of Nigeria had been established by decree in 1995. Its Governing Council, which he chaired, and which had held its inaugural session in the presence of the Head of State in June 1996, comprised 16 members, including representatives of human rights NGOs, the legal profession, the public and private media and the Ministries of Justice, Foreign Affairs and Internal Affairs. The Commission was an independent body and performed a wide range of functions. It was composed of four departments, for which staff were currently being recruited, an area in which it stood in dire need of assistance. The legal officers, investigators and research officers, as well as the members of the Commission, required proper training. While organizing its institutional structure, the Commission had begun to conduct education and promotional activities, examples of which were Human Rights Day, held on 10 December 1996, and the Symposium on the African Charter on Human and Peoples' Rights, held on 13 March 1997.

88. Since its inauguration, the Commission had received over 60 complaints. It had established contacts with the Centre for Human Rights, the Human Rights Committee, the African Commission on Human and Peoples' Rights and the Coordinating Committee of Human Rights Institutions in Africa. Within Nigeria, it had established links with the various human rights NGOs operating in Nigeria. On 25 March it had held a meeting with them to define methods of cooperation. It also entertained a satisfactory working relationship with the competent public agencies. It was endeavouring to involve the security agencies in its promotional activities and had developed a programme of human rights education for them.

89. Lastly, he emphasized that, in its infancy, the Commission needed all the guidance and support it could obtain to fulfil its functions. He expressed the hope that a favourable response would be given to the request it had submitted for advisory services and technical assistance.

90. Mr. DEMBINSKI (Observer for Poland) recalled that it was at Poland's initiative that the Commission had adopted resolution 1996/42, concerning preparations for the fiftieth anniversary of the Universal Declaration of Human Rights. His country was convinced that the Declaration was one of the most momentous achievements of the United Nations. It had taken no less than 18 years to translate the principles formulated by the Declaration into legally binding provisions. In addition to the two human rights Covenants,

the international community possessed a whole range of instruments whose purpose was to protect the rights of individuals. Along with the codification of norms, a variety of organs and bodies had been set up to monitor the observance of those rights by the States Members of the United Nations.

91. In order to measure how much had been achieved, it was enough to recall that, barely 50 years ago, human rights had been considered part of the exclusive domain of sovereign States. However, the celebration of the fiftieth anniversary should not be the occasion solely for statements of self-satisfaction. On the contrary, a realistic assessment should be made of the obstacles that still had to be overcome in order to attain the objectives set in the Declaration, in other words, universal respect for the rights of all individuals throughout the world. Unfortunately, there was still a wide gap between reality and the ideals set out in the Declaration. There were two reasons for the gap: on the one hand, for lack of resources or political will Governments did not always live up to the standards to which they had freely subscribed. Secondly, individuals and groups were frequently unable to claim their rights, either for lack of means or because they were not properly informed.

92. The fiftieth anniversary of the Universal Declaration of Human Rights was an ideal opportunity to reflect on ways of bringing the Organization and the Commission closer to the lofty goals they had set themselves. The Workshop organized in January at Warsaw by Germany, South Africa and Poland, had been a first step in that direction. The participants had reached the conclusion that in order to help Governments to live up to their obligations, further international cooperation was indispensable among equal partners. They had emphasized that the principle of national sovereignty was no reason why the international community should not be concerned about human rights violations, no matter where they occurred. They had also advocated a frank and open exchange of views on all issues relating to human rights, in terms of both their content and their implementation. The Commission was the ideal forum for such an exchange.

93. There was also an urgent need to mobilize all available resources in order to assist those States which wanted to develop legal and institutional mechanisms to promote civil, political, economic and social rights, including the right to development. Those were long-term tasks and a constant flow of resources was needed to carry them out. However, only 1.8 per cent of the United Nations regular budget was now allocated to the crucial field of human rights. It was incumbent upon the Commission to bring pressure to bear on the competent organs of the United Nations so that the sums allocated to human rights activities were commensurate with needs.

94. One area in which there were still serious shortcomings was the development of public awareness of human rights. It was frequently for lack of information on the legal mechanisms - when they did exist - that individuals or groups did not know how to claim their fundamental rights. For that reason, there was an urgent need for an education campaign. The Commission could and should play a leadership role in such a campaign.

The meeting rose at 1.05 p.m.